

REMARKS/ARGUMENTS

Claims 6-9 are pending in the application.

Claims 6-9 stand rejected under 35 U.S.C. § 112, first paragraph, the Examiner requests that Applicants provide support for the elements in Claims 6-9.

The elements in Claims 6-9 are disclosed at page 4, lines 7-30, page 5 and in Fig. 1.

"[D]rawings alone may provide a 'written description' of an invention as required by § 112." Vas-Cath Inc. v. Manhurkar, 935 F.2d 1555, 1565, 19 USPQ2d 1111, 1118 (Fed. Cir. 1991). "[I]t is proper in support of claims which otherwise could not be allowed to amend the specification of a pending application to include new matter clearly and conclusively disclosed in the drawings. ... This is the familiar rule that the drawings and the specification may be amended to conform to each other and that the added matter will not be deemed technical 'new matter' within the prohibition of the law." In re Heinle, 342 F2d 1001, 1007, 342 USPQ 131 (CCPA 1965).

Fig. 1 clearly shows the elements of the dispenser of Claims 6-9. Also, the arrows show the direction of flow through the dispenser ("Arrows may be used at the ends of lines, provided their meaning is clear ... [t]o show

the direction of movement." 37 C.F.R. § 1.84(r)(3).) The specification indicates that flow may be in either direction (page 5, lines 16-17).

The specification has been amended to add a paragraph that explains various details that are clearly and conclusively disclosed in Fig. 1. The specification as indicated, Fig. 1 and the new paragraph added to the specification as provided by this amendment provide the necessary support for the elements in Claims 6-9. Therefore, the rejection of Claims 6-9 under 35 U.S.C. § 112, first paragraph should be withdrawn.

Claims 6-9 stand rejected under 35 U.S.C. § 112, second paragraph as the Examiner indicates that the last two lines of Claims 6 and 8 are confusing. Claims 6 and 8 have been amended to eliminate any confusion, especially when read in view of Fig. 1 and the new paragraph in the specification describing the disclosure in Fig. 1.

Claim 7 stands rejected under 35 U.S.C. § 112, second paragraph as the Examiner indicates that the term holes should be slots. Applicants have adopted the Examiner's suggestion.

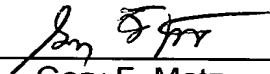
Claims 6-9 stand rejected under 35 U.S.C. § 112, second paragraph as the Examiner indicates that it is not clear if the claim language allows for the openings to be completely open. Claims 6 and 8 have been amended to provide clarification.

As all of the rejections under 35 U.S.C. § 112, second paragraph have been addressed, Applicants submit that the application and claims are in form for allowance and all rejections should be withdrawn.

The Examiner has objected to the disclosure citing that Fig. 5 appears to be incorrect and incomplete. A Letter to Official Draftsperson including a complete and correct copy of Fig. 5 is enclosed herewith complying with the Examiner's requirement.

In view of the above amendments and remarks, reconsideration of the rejections and allowance of Claims 6-9 are respectfully requested.

Respectfully submitted,

By 

Gary F. Matz
Agent for Applicants
Reg. No. 45,504

Bayer Polymers LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3897
FACSIMILE PHONE NUMBER:
(412) 777-3902
s:\kgb\gm009am